

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

LOUIS ALLEN

PLAINTIFF

VS.

CIVIL ACTION NO. 5:04-cv-248-JCS

LASHONDA G. GRAYSON, ET AL.

DEFENDANTS

JUDGMENT

This cause is before the Court *sua sponte* so that it may consider whether the plaintiff's allegations state a constitutional violation. 28 U.S.C. § 1915A. The parties have also consented, pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, for all proceedings and final judgment to be entered by a United States Magistrate Judge. For the reasons stated in the opinion entered in this cause, the Court finds that the plaintiff's claims against defendant Grayson do not rise to the level of constitutional violations and should be dismissed as "frivolous." Because these claims are dismissed pursuant to the Prison Litigation Reform Act and 28 U.S.C. §§ 1915(e) and 1915A(b)(1) as "frivolous", this case will be counted as a "strike." If the plaintiff receives "three strikes," he will be denied *in forma pauperis* status and be required to pay the full filing fee to file a civil action or an appeal. Plaintiff's claims against defendant Jackson are also dismissed with prejudice. Accordingly, this case is dismissed with prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of the defendants, and this entire action is dismissed with prejudice.

SO ORDERED AND ADJUDGED, this the 5th day of July, 2006.

s/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE